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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,298	11/17/2003	Timothy H. Voss	20595-0005-1	5213
26587 7590 07/25/2007 MCNEES WALLACE & NURICK LLC 100 PINE STREET P.O. BOX 1166 HARRISBURG, PA 17108-1166			EXAMINER HWU, DAVIS D	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 07/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary

Application No.

10/715,298

Applicant(s)

VOSS, TIMOTHY H.

Examiner

Davis D. Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. Applicant's amendment and arguments of June 7, 2007 are acknowledged and entered.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The allowance of claims is withdrawn.

Claim Rejections - 35 USC § 103

5. Claims 1, 2, 5, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomlinson.

Tomlinson discloses a dispersal system for fire suppression material for use with an airborne craft, the system comprising a vessel 10 holding fire suppressant, the vessel being secured within or adjacent to an airborne craft, a dispenser for controllably dispensing the material from the vessel, and a flexible conduit 18 having a first end secured in fluid communication with the vessel and a second end for controllably directing the dispensed material adjacent to ground level. The second end being sufficiently remote from the airborne craft would have been a matter of design choice since such a modification would have involved a mere change in the length of the conduit 18, which is generally recognized as being within the level of ordinary skill in the art. Also, one having ordinary skill in the art would recognize that the second end must be remote from the aircraft for precise spraying.

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6. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomlinson in view of King.

King teaches a dispersal system for fire suppression material for use with an airborne craft comprising a vessel 4 holding fire suppressant and a conduit 19 having a first end secured in fluid communication with the vessel and a second end for controllably directing the dispensed material adjacent to ground level in which the conduit has release mechanism (threads 18) for easy removal. King also teaches a valve 21 in the second end of the conduit to control dispensing of the material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Tomlinson by providing a release mechanism as recited for easy removal of the conduit and incorporating a valve into the second end of the conduit to control the spray as taught by King.

7. Claims 4, 6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomlinson in view of Waldrum.

Waldrum shows a dispersal system for fire suppression material for use with an airborne craft, the system comprising a vessel holding fire suppressant, the vessel being secured within or adjacent to an airborne craft, a dispenser (comprising 16 and 18) for controllably dispensing the material from the vessel wherein the dispenser has a plurality of vanes 132 as recited in claim 4 and the dispenser rotates as recited in claim 6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Tomlinson by providing a dispenser having vanes and

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making the dispenser rotatable as taught by Waldrum to discharge the material with maximum kinetic energy and with minimum turbulence (column 3, lines 43-44).

8. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manicatide et al. in view of Tomlinson.

Manicatide et al. shows a dispersal system for fire suppression material for use with an airborne craft, the system comprising a vessel A holding fire suppressant, the vessel being secured within or adjacent to an airborne craft, a dispenser 5 for controllably dispensing the material from the vessel, and a conduit 13 having a first end secured in fluid communication with the vessel and a second end for controllably directing the dispensed material adjacent to ground level, wherein the dispenser non-symmetrically directs material in a direction from a central axis. Manicatide et al. do not disclose the conduit being flexible. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Manicatide et al. by providing a flexible as taught by Tomlinson in order to be able to adjust the position of the of the conduit.

9. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomlinson in view of Baker et al.

Baker et al. teaches a dispersal system for fire suppression material from an aircraft comprising a vessel 12, a dispensing head 40 and a shroud 30 surrounding the head 40 to act as a physical guard for the head 40. It would have been obvious to one having ordinary skill in the art at the time the invention

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was made to have modified the device of Tomlinson by providing a shroud to surround the valve and dispenser head as taught by Baker et al. to provide protection for the valve and dispenser head. The shapes recited in claims 14 and 15 would have been matters of design choice since such modifications would involved a mere change in the shape of an object which is generally recognized as being within the level of ordinary skill in the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



DAVIS HWU
PRIMARY EXAMINER